

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Schoolcraft County Sheriffs Department v Schoolcraft County Board of Commissioners**
Docket No. **294815**
L.C. No. **09-004208-AW**

Donald S. Owens, Judge, acting under MCR 7.211(E)(2), orders:

Appellant's motion to strike appellee's brief, or to determine that appellee's brief was untimely filed, is **DENIED**. Exhibit F has been removed from appellee's brief, thus leaving it under the 50-page limit. This Court determines the timeliness of a brief based on the date of filing of the initial brief, even if it is defective. See e.g. IOP 7.212(D) & (I).

Appellee's motion to strike appellant's reply brief is **DENIED**. This Court sent a letter noting the defect in the reply brief on January 5, 2010, which allowed 14 days to cure the defect. That time has not yet expired.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 15 2010

Date

Sandra Schultz Mengel

Chief Clerk